



Brownfields/Voluntary Cleanup Program (B/VCP)

Hazardous Waste Program fact sheet

9/2004

What is the Brownfields/Voluntary Cleanup Program?

B/VCP provides oversight for voluntary cleanup of environmental contamination by property owners and others in Missouri. Environmental assessments of commercial and industrial property are part of many real estate transactions and are often required by lenders and buyers as a result of the liability provisions of the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or Superfund law. If contamination is found, property owners or other interested parties often want not only to clean up the property, but also to obtain a certificate of completion or "clean letter" from the state, which provides a measure of environmental liability protection. Hazardous substance contamination is not always regulated under state and federal laws such as Superfund, the Resource Conservation and Recovery Act (RCRA), or state petroleum storage tank regulations. The contamination may be of a type or concentration that does not warrant enforcement action and may not require cleanup under existing regulations. The Brownfields/Voluntary Cleanup Program (B/VCP) may be the only program with the authority to provide oversight of the cleanup and a certification of completion.

B/VCP can provide guidance so that the cleanup satisfies any applicable state and federal regulations and also provides written assurance when the project is complete. Missouri's Hazardous Substance Environmental Remediation Law (voluntary cleanup law) provides the Hazardous Waste Program's Voluntary Cleanup Section with the resources and the authority to provide project oversight and completion letters. Oversight costs are paid to the department by the participant.

How the Program Works

Interested parties should contact the Missouri Department of Natural Resources to obtain the *B/VCP Application Form* and *Consent for Access to Property* form. Updated forms may be obtained from the sources listed at the end of this fact sheet. Both forms, a \$200 application fee and copies of all environmental site assessment reports (minimum: Phase 1 Environmental Assessment) should be submitted with the application. A B/VCP project manager will review the application and notify the applicant of acceptance or denial, usually within 15 to 30 days. If the site is accepted, the B/VCP will send a Letter of Agreement to be signed by the applicant. The letter outlines the general responsibilities of the applicant and the Department, and requests an initial deposit to cover B/VCP's oversight costs (based on our estimate of required oversight time, not to exceed \$5,000).

The applicant signs the Letter of Agreement and posts the deposit. The application fee and the deposit will be drawn against for oversight costs including labor and travel expenses. If the application fees plus the deposit are depleted before the project is completed, the Department bills the participant quarterly for the additional costs. If oversight costs are less

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than the initial participation fee, the Department refunds the remainder at the conclusion of the project.

The B/VCP reviews the site assessment reports and determines if further site assessment or remediation is necessary. B/VCP response time is limited by regulation to 180 days, but is usually within 30 days. If further assessment is needed, the participant prepares and submits a site assessment work plan for review. Upon B/VCP approval of the plan, the additional site assessment is performed by the participant.

If remediation is necessary, the applicant submits a remedial action plan for review and approval. The applicant performs the remediation according to the approved plan and schedule. B/VCP oversight can include document review, field observation and collecting samples. If the remediation lasts more than one calendar quarter, the participant provides quarterly progress reports. When the cleanup is complete, a final report is submitted to B/VCP for review. When the cleanup meets the established cleanup goals for the site, or if B/VCP determines that no remedial action is required, the Department issues a certificate of completion, also called a No Further Action Letter or clean letter.

By a memorandum of agreement with the U.S. Environmental Protection Agency (EPA), Region 7, EPA will not pursue federal action with regard to the contamination addressed at the site once a certificate of completion has been issued by the B/VCP.

Volunteers can withdraw from B/VCP at any time by providing the Department with written notification by certified mail. Department can terminate applicants from B/VCP for causes outlined in the law.

During the process, participants can appeal any Department actions to the Hazardous Waste Management Commission within 30 days of the action. Appeals must be submitted in writing to the Department of Natural Resources by certified mail.

Entry into B/VCP does not constitute an admission of any liability under state or federal law or a waiver of any defense against such liability. Acceptance of a site into the Brownfields/Voluntary Cleanup Program does not mean nor imply that the department has made a final determination regarding whether the site requires or warrants action under CERCLA, RCRA, the Missouri Hazardous Waste Management Law, or other state or federal statutes. Acceptance into the Brownfields/Voluntary Cleanup Program is based solely on information related to the site that is known to the department at the time the application is submitted. The department reserves the right to exercise its authority under the referenced statutes should information in addition to that known to the department at the time the application is submitted becomes available that demonstrates that action under one or more of the referenced statutes is warranted, or should conditions at the site change resulting in a situation that warrants action under the referenced statutes.

For More Information

For more information on Missouri's Brownfields/Voluntary Cleanup Program call or write
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Hazardous Waste Program
P.O. Box 176, Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 526-8913 office
(573) 526-8922 fax
www.dnr.mo.gov/alpd/hwp Program Home Page